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Qw/AT

PATENT  
ATTORNEY DOCKET NO. 046124-5025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Inventors: Yukio KATO *et al.* )  
)  
Application No.: 09/555,342 ) Group Art Unit: 1642  
)  
Filed: May 26, 2000 ) Examiner: Minh-Tam Davis  
)  
For: HUMAN FETUS CHONDROCYTE-DERIVED )  
GENE )

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Response to Office Action dated February 10, 2005 in connection with the above application, including two new figures (Figs. 20 and 21).
2. Additional Documents:
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> <b>three months</b>	<b>\$ 1,020.00</b>	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$1,080.00

Extension of time fee due with this request: **\$1,020.00.**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	37		x \$50 each=	+ \$0
Independent Claims (37 C.F.R. §1.16(b))	14	minus	15		x \$200 each=	+ \$0
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0
SUB-TOTAL =						\$0
Reduction by 2 for filing by a small entity						- \$0
TOTAL FEE =						\$0

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Payment

- [ X ] The Commissioner is hereby authorized to charge **\$1,020.00** to Deposit Account 50-0310 for the three months extension.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 5, 2005

By:



Bonnie Weiss McLeod

Reg. No. 43,255

**CUSTOMER NO. 09629**

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Washington, D.C. 20004

202-739-3000



PATENT  
Attorney Docket No. 046124-5025-US

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Sir:

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

This Amendment is responsive to the Office Action dated February 10, 2005, the time period for response to which expired May 10, 2005. An extension of time for three months is being filed concurrently, thereby extending the period for response to August 10, 2005. Entry of the following amendments and remarks, and reconsideration of the claimed subject matter, are respectfully requested:

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